

Appl. No. 10/682,217

Amdt. Dated September 14, 2005

Reply to Office Action of August 23, 2005

**REMARKS**

This is a full and timely response to the non-final Office action mailed August 23, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 3, and 5-16 are now pending in this application, with Claims 1, 9, 12, and 14 being the independent claims. The disclosure has been objected to. Claims 12 and 13 have been rejected. The disclosure has been amended to further clarify the invention. Claim 12 has been amended to further clarify the invention. Claims 1, 3, 5-11, and 14-16 have been allowed. The Applicant thanks the Examiner for the allowance of Claims 1, 3, 5-11, and 14-16. No new matter is believed to have been added.

**OBJECTIONS**

The Examiner has objected to the disclosure because of an informality in paragraph [0002]. More specifically, the Examiner has objected to paragraph [0002] stating that it is inconsistent with the rest of the application as there is no further disclosure of turbochargers. The Applicant has again amended paragraph [0002] in light of the Examiner's comments. It is believed that the amendments presented herein to paragraph [0002] overcome the objection.

**REJECTION UNDER 35. U.S.C. § 102**

Claims 12 and 13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 4-303135. This rejection is respectfully traversed, at least in light of the above claim amendments.

Independent Claim 12 now recites the inclusion of a forward discourager and aft

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discourager comprising a 90-degree bending angle for flow restriction. The Applicant asserts that JP 4-303135 (the '135 patent) discloses a scroll, back plate, high pressure turbine shroud, and a nozzle vane integrated to a condition where they are less likely to have effects of a thermal stress. However, in contrast to the present invention, the '135 patent does not have a turbine engine wherein "the forward discourager and the aft discourager comprising a 90-degree bending angle for flow restriction" as now claimed in claim 12. Therefore, claim 12 is believed to be allowable. Claim 13 is believed to be allowable based on dependence on claim 12. As such, the anticipation rejections under 35 U.S.C. §102 have been obviated, and withdrawal of the same is respectfully requested.

#### **Allowable Subject Matter**

Claims 1, 3, 5-11, and 14-16 are allowed.

#### **Conclusion**

Based on the above, independent Claim 12 is patentable over the citation of record. Dependent claim 13 is also submitted to be patentable for the reasons given above with respect to the independent claim and because it recites features which are patentable in its own right. Individual consideration of the dependent claim is respectfully solicited.

Hence, the Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

This Amendment was not earlier presented because the Applicant earnestly believed the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment Pursuant to 37 C.F.R. § 1.116 is respectfully requested.

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Moreover, entry and consideration of this Amendment are proper under 37 C.F.R. §1.116 for at least the following reasons. The present Amendment places the application in condition for allowance. Applicant does not believe that the present Amendment raises new issues requiring further search or consideration. Therefore, entry and consideration of the present Amendment are proper under 37 C.F.R. §1.116 and are hereby requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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